



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2204

Introduced 1/15/2004, by Denny Jacobs

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-106 from Ch. 108 1/2, par. 16-106
105 ILCS 5/10-20.7 from Ch. 122, par. 10-20.7

Amends the Downstate Teacher Article of the Illinois Pension Code. Provides that a person who is employed by a private business enterprise engaged in the business of providing schools with temporary substitute teachers is not a "teacher" and is neither entitled to service credit nor required to make employee contributions with respect to that employment. Amends the School Code. Provides that a school board may contract with a private business entity to train and provide qualified temporary substitute teachers, and that those qualified temporary substitute teachers may be employees of the private business entity rather than employees of the school board. Effective immediately.

LRB093 17676 LRD 43352 b

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT in relation to teachers.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 16-106 as follows:

6 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

7 Sec. 16-106. Teacher. "Teacher": The following
8 individuals, provided that, for employment prior to July 1,
9 1990, they are employed on a full-time basis, or if not
10 full-time, on a permanent and continuous basis in a position in
11 which services are expected to be rendered for at least one
12 school term:

13 (1) Any educational, administrative, professional or
14 other staff employed in the public common schools included
15 within this system in a position requiring certification
16 under the law governing the certification of teachers;

17 (2) Any educational, administrative, professional or
18 other staff employed in any facility of the Department of
19 Children and Family Services or the Department of Human
20 Services, in a position requiring certification under the
21 law governing the certification of teachers, and any person
22 who (i) works in such a position for the Department of
23 Corrections, (ii) was a member of this System on May 31,
24 1987, and (iii) did not elect to become a member of the
25 State Employees' Retirement System pursuant to Section
26 14-108.2 of this Code; except that "teacher" does not
27 include any person who (A) becomes a security employee of
28 the Department of Human Services, as defined in Section
29 14-110, after June 28, 2001 (the effective date of Public
30 Act 92-14), or (B) becomes a member of the State Employees'
31 Retirement System pursuant to Section 14-108.2c of this
32 Code;

1 (3) Any regional superintendent of schools, assistant
2 regional superintendent of schools, State Superintendent
3 of Education; any person employed by the State Board of
4 Education as an executive; any executive of the boards
5 engaged in the service of public common school education in
6 school districts covered under this system of which the
7 State Superintendent of Education is an ex-officio member;

8 (4) Any employee of a school board association
9 operating in compliance with Article 23 of the School Code
10 who is certificated under the law governing the
11 certification of teachers;

12 (5) Any person employed by the retirement system who:

13 (i) was an employee of and a participant in the
14 system on August 17, 2001 (the effective date of Public
15 Act 92-416), or

16 (ii) becomes an employee of the system on or after
17 August 17, 2001;

18 (6) Any educational, administrative, professional or
19 other staff employed by and under the supervision and
20 control of a regional superintendent of schools, provided
21 such employment position requires the person to be
22 certificated under the law governing the certification of
23 teachers and is in an educational program serving 2 or more
24 districts in accordance with a joint agreement authorized
25 by the School Code or by federal legislation;

26 (7) Any educational, administrative, professional or
27 other staff employed in an educational program serving 2 or
28 more school districts in accordance with a joint agreement
29 authorized by the School Code or by federal legislation and
30 in a position requiring certification under the laws
31 governing the certification of teachers;

32 (8) Any officer or employee of a statewide teacher
33 organization or officer of a national teacher organization
34 who is certified under the law governing certification of
35 teachers, provided: (i) the individual had previously
36 established creditable service under this Article, (ii)

1 the individual files with the system an irrevocable
2 election to become a member, and (iii) the individual does
3 not receive credit for such service under any other Article
4 of this Code;

5 (9) Any educational, administrative, professional, or
6 other staff employed in a charter school operating in
7 compliance with the Charter Schools Law who is certificated
8 under the law governing the certification of teachers.

9 A person who is employed by a private business enterprise
10 engaged in the business of providing schools with temporary
11 substitute teachers is not a "teacher" for the purposes of this
12 Article and is neither entitled to service credit nor required
13 to make employee contributions with respect to that employment.

14 An annuitant receiving a retirement annuity under this
15 Article or under Article 17 of this Code who is employed by a
16 board of education or other employer as permitted under Section
17 16-118 or 16-150.1 is not a "teacher" for purposes of this
18 Article. A person who has received a single-sum retirement
19 benefit under Section 16-136.4 of this Article is not a
20 "teacher" for purposes of this Article.

21 (Source: P.A. 92-14, eff. 6-28-01; 92-416, eff. 8-17-01;
22 92-651, eff. 7-11-02; 93-320, eff. 7-23-03.)

23 Section 10. The School Code is amended by changing Section
24 10-20.7 as follows:

25 (105 ILCS 5/10-20.7) (from Ch. 122, par. 10-20.7)

26 Sec. 10-20.7. Appoint teachers and fix salaries. To appoint
27 all teachers and fix the amount of their salaries, subject to
28 limitations set forth in this Act.

29 In fixing salaries of certificated employees, school
30 boards shall make no discrimination on account of sex and there
31 shall be no loss in salary because of jury duty or because such
32 employee, pursuant to subpoena issued by the clerk of a court
33 and served on such employee, attends as a witness upon trial or
34 to have his or her deposition taken in any school related

1 matter pending in court, except that the board may make a
2 deduction equal to the amount received for such jury duty or
3 for per diem fees which the employee is entitled to receive for
4 complying with such subpoena. Certified employees may be paid
5 full salary by the board when in the active service of this
6 State, under orders of the Commander-in-Chief, as members of
7 the Illinois National Guard or Illinois Naval Militia, provided
8 that the board may deduct from such salary any amounts received
9 for such State service. A school board may at any time after
10 January 1 employ teachers for the school year beginning on the
11 following July 1.

12 A school board may contract with a private business entity
13 to train and provide qualified temporary substitute teachers.
14 The contract may provide that those qualified temporary
15 substitute teachers are employees of the private business
16 entity rather than employees of the school board.

17 (Source: P.A. 86-1366.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.